



House of Representatives

General Assembly

File No. 527

February Session, 2004

Substitute House Bill No. 5008

House of Representatives, April 8, 2004

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REPLACEMENT OF LOST OR STOLEN PRESCRIPTION DRUGS UNDER THE CONNPAC PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17b-491 of the general statutes, as
2 amended by section 14 of public act 03-2, is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) There shall be a "Connecticut Pharmaceutical Assistance
5 Contract to the Elderly and the Disabled Program" which shall be
6 within the Department of Social Services. The program shall consist of
7 payments by the state to pharmacies for the reasonable cost of
8 prescription drugs dispensed to eligible persons minus a copayment
9 charge. The pharmacy shall collect the copayment charge from the
10 eligible person at the time of each purchase of prescription drugs, and
11 shall not waive, discount or rebate in whole or in part such amount.
12 [The] Except for a replacement prescription dispensed pursuant to
13 section 17b-492, as amended by this act, the copayment for each

14 prescription shall be as follows:

15 (1) Sixteen dollars and twenty-five cents if the participant is (A) not
16 married and has an annual income of less than twenty thousand three
17 hundred dollars, or (B) is married and has an annual income that,
18 when combined with the participant's spouse, is less than twenty-
19 seven thousand five hundred dollars.

20 (2) Upon the granting of a federal waiver to expand the program in
21 accordance with section 17b-492, as amended, the copayment shall be
22 twenty dollars for a participant who is (A) not married and has an
23 annual income that equals or exceeds twenty thousand three hundred
24 dollars, or (B) married and has an annual income that, when combined
25 with the participant's spouse, equals or exceeds twenty-seven
26 thousand five hundred dollars.

27 Sec. 2. Subsection (b) of section 17b-492 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective July*
29 *1, 2004*):

30 (b) (1) Payment for a prescription under the program shall be made
31 only if no other plan of insurance or assistance is available to an
32 eligible person for such prescription at the time of dispensing. The
33 pharmacy shall make reasonable efforts to ascertain the existence of
34 other insurance or assistance.

35 (2) Payment for a replacement prescription under the program shall
36 be made only if the eligible person signs a statement, on such form as
37 the commissioner prescribes and subject to penalty under section 17b-
38 497, as amended by this act, that the prescription drug is lost or was
39 stolen or destroyed and the person has made a good faith effort to
40 recover the prescription drug, except that payment for a replacement
41 prescription shall not be made on behalf of a person more than twice in
42 a calendar year. No copayment shall be required for such replacement
43 prescription.

44 Sec. 3. Section 17b-497 of the general statutes is repealed and the

45 following is substituted in lieu thereof (*Effective July 1, 2004*):

46 (a) Any person acting for a pharmacy who submits a false or
 47 fraudulent claim under sections 17b-490 to 17b-498, inclusive, as
 48 amended, or the regulations adopted pursuant to section 17b-494, or
 49 who aids or abets another in the submission of a false or fraudulent
 50 claim, or otherwise violates any provision of sections 17b-490 to 17b-
 51 498, inclusive, as amended, or said regulations, shall be subject to a
 52 fine of not less than one thousand dollars or imprisonment for a term
 53 of not more than one year, or both.

54 (b) Any person who wilfully misrepresents any fact in connection
 55 with obtaining a replacement prescription pursuant to section 17b-492,
 56 as amended by this act, or in connection with obtaining an
 57 identification number or card, or who misuses such identification
 58 number or card to obtain prescription drugs shall be subject to
 59 suspension of eligibility for a period of not more than one year for a
 60 first offense and a permanent revocation of eligibility for a second
 61 offense.

62 (c) Any pharmacy found guilty of a violation under subsection (a)
 63 shall be immediately terminated from participation in the program,
 64 and shall be liable to the state for five times the value of any material
 65 gain received.

66 (d) Any person found guilty of a violation under subsection (b) of
 67 this section shall be liable to the state for five times the value of any
 68 material gain received.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>

AGE *Joint Favorable Subst. C/R*

HS

HS *Joint Favorable C/R*

APP

APP *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Social Services, Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Social Services (DSS) will incur a minimal cost in the course of paying for up to two replacement prescriptions each year for ConnPACE enrollees who experience the loss, theft or destruction of their initially dispensed medication. It is anticipated that the number of additional prescriptions filled will be minimal. The projected FY 05 average net state cost per prescription under ConnPACE is \$78.44. Since the bill specifies that the client will not be responsible for a copayment, an additional \$16.25 cost will be incurred by DSS for each replacement prescription.

The department will incur a minimal cost to produce and distribute the required form.

OLR BILL ANALYSIS

sHB 5008

***AN ACT CONCERNING REPLACEMENT OF LOST OR STOLEN
PRESCRIPTION DRUGS UNDER THE CONNPACE PROGRAM*****SUMMARY:**

This bill allows participants in the Connecticut Pharmaceutical Contract to the Elderly and Disabled (ConnPACE) to obtain replacements for lost or stolen prescription drugs. It places a twice-a-year limit on replacements and exempts them from the program's \$16.25 copay requirement.

In order for ConnPACE to pay for the replacement, the participant must sign a statement on a form prescribed by the Department of Social Services commissioner. The statement must say that the drug is lost or was stolen or destroyed and he has made a good faith effort to recover it. Willful misrepresentations in connection with the replacement will result in (1) up to one year's suspension of eligibility for the program for the first offense, (2) a permanent revocation of eligibility for the second offense, and (3) liability for up to five times the value of the material gain received.

EFFECTIVE DATE: July 1, 2004

COMMITTEE ACTION

Select Committee on Aging

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Human Services Committee

Joint Favorable Change of Reference

Yea 18 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 49 Nay 0